

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JEFFREY F. CHURCHILL,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security Administration,

Defendant.

CASE NO. C09-5311RJB

REPORT AND RECOMMENDATION

Noted for August 27, 2010

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This case is before the court on plaintiff's failure to respond to the court's order to show cause issued on April 21, 2010. After carefully reviewing the record, the undersigned recommends that the case be dismissed for lack of prosecution.

Plaintiff, Jeffrey Churchill, resides in Ravensdale, Washington. On or about June 1, 2009, plaintiff submitted, with assistance of an attorney, a civil complaint, alleging the Social Security Administration failed to properly consider his applications for social security benefits.


1 On September 9, 2009, the undersigned reviewed the record in light of a motion or
2 request from plaintiff's attorney to withdraw from representation, and granted an extension of
3 time for plaintiff to file an opening brief. Since that time the court has provided ample time to
4 allow plaintiff to find a new attorney and/or file an opening brief on his own behalf.

5 On April 21, 2010, the court reviewed the matter again and found an opening brief had
6 not been submitted. The court issued an order directing plaintiff to file his brief by no later than
7 May 18, 2010, or show cause why this matter should not be summarily dismissed for lack of
8 prosecution. To date, plaintiff has not filed his opening brief.

10 CONCLUSION

11 Based on the foregoing and in accordance with Local General Rule GR3, the Court
12 should dismiss this matter for lack of prosecution. Pursuant to 28 U.S.C. § 636(b)(1) and Rule
13 72(b) of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days from
14 service of this Report to file written objections. *See also* Fed. R. Civ. P. 6. Failure to file
15 objections will result in a waiver of those objections for purposes of appeal. Thomas v. Arn, 474
16 U.S. 140 (1985). Accommodating the time limit imposed by Rule 72(b), the clerk is directed to
17 set the matter for consideration on August 27, 2010, as noted in the caption.
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19 DATED this 5th day of August, 2010.

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22 J. Richard Creatura
23 United States Magistrate Judge
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